

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA

v.

THOMAS G. REITZ

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Case No. 3:07-cr-21-RJC

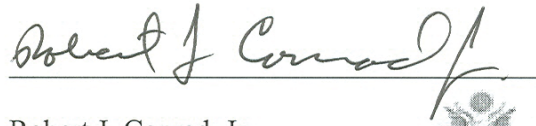
**THIS MATTER** is before the Court on the Government's motion, pursuant to Fed. R. Crim. P. 35(a), for an order correcting or amending the restitution section of the judgment. (Doc. No. 43).

In its judgment, the Court ordered the defendant to pay restitution in the amount of \$35,399,957.72. The judgment then provides that, "The Court's order of restitution was made taking into consideration the Government's intention to pay restitution from the money forfeited. Total amount of restitution due shall be reduced by any money previously paid and property applied or by any forfeiture." (See Doc. No. 41).

The Government cites United States v. Alalade, 204 F.3d 536 (4th Cir. 2000) (there is no "offset" against restitution for the value of property forfeited administratively and then remitted by the Department of Justice). Moreover, the Government has represented that the quoted language from the judgment is legally insufficient to allow the Department of Justice to approve the restoration of the forfeited property to victims, as intended by the parties and the Court, and that the defendant does not object to the motion.

**IT IS THEREFORE ORDERED** that the Clerk is directed to amend the judgment by deleting the following language (quoted above): "The Court's order of restitution was made taking into consideration the Government's intention to pay restitution from the money forfeited. Total amount of restitution due shall be reduced by any money previously paid and property applied or by any forfeiture."

Signed: May 6, 2008

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
Chief United States District Judge

